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Attorney for Debtor(s)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

In Re:

Christopher Lynn Brawley

Debtor(s)

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\*  
\*  
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CASE NO. 17-50115-RLJ-13

Hearing Date: 10/27/2021

Hearing Time: 9:00 a.m.

**MODIFICATION OF PLAN AFTER CONFIRMATION,**  
**NOTICE OF HEARING AND NOTICE OF TRUSTEE'S PRE-HEARING CONFERENCE**

PLAN MODIFICATION DATE: August 24, 2021

**DISCLOSURES**

(Check 1 of the following 2 choices)

	This <i>Plan Modification</i> contains <i>Nonstandard Provisions</i> listed in Section IX.
X	This <i>Plan Modification</i> does not contain <i>Nonstandard Provisions</i> .

**NOTICE OF HEARING**

On the 27th day of October, 2021 at 9:00 a.m., a hearing on the foregoing "Modification of Plan after Confirmation" will be held before the Honorable Robert L. Jones, Bankruptcy Judge, U.S. Courthouse, Room 314, 1205 Texas Ave., Lubbock, Texas. Creditors are not required to attend unless they have objections to the Modification.

**NOTICE OF TRUSTEE'S PRE-HEARING CONFERENCE AND RIGHT TO OBJECT**

A **PRE-HEARING CONFERENCE** will be held by the Trustee on the 21st day of October, 2021 at 2:00 P.M. at the office of the Chapter 13 Trustee, 1407 Buddy Holly Ave, Lubbock, Texas.

**NOTICE** is hereby given that pursuant to 11 U.S.C. §1329 and the Standing Order Concerning All Chapter 13 Cases for the Northern District of Texas (General Order 2021-05) the foregoing Modification of Plan After Confirmation **will be approved** by the Court as the Debtor's(s') Modified Chapter 13 Plan unless a party in interest files a written objection no later than seven (7) days prior to the date of the Trustee's Pre-Hearing Conference noted above with copies sent to the Chapter 13 Trustee, 1407 Buddy Holly Ave., Lubbock, TX 79401 and Debtor's(s') counsel at 2742 82<sup>nd</sup> Street, Lubbock, TX 79423. Objections not resolved at the **PRE-HEARING CONFERENCE** will be heard by the Court at the scheduled Hearing time.

**MODIFICATION OF PLAN AFTER CONFIRMATION**

Pursuant to 11 USC Section 1329, the Debtor(s) through the undersigned attorney, request(s) the following Modification of Debtor's(s') Confirmed Plan herein:

**I.****HISTORY OF THE CASE**

1.	Date Case Filed:	05/01/2017
2.	Date of §341 Meeting:	06/14/2017
3.	First Payment Date:	06/01/2017
4.	Date of Confirmation:	08/03/2017
5.	Total Plan Term Prior to this Modification:	60
6.	Number of Months from First Payment Date through month prior to estimated month of Modification Approval:	52
7.	Remaining Plan Term (subtract items 6 from item 5):	8
8.	Amount of Arrears through last month:	\$12,756.16
9.	Total Amount <b>Paid</b> to the Trustee through last month:	\$108,596.02
10.	Dates of any Prior Order(s) Modifying Plan:	02/27/2020 09/25/2020 02/26/2021

**II.****MODIFICATION REQUESTED**

(Check 1 or more of the following choices)

	Plan payments remain at \$_____ per month
X	<b>INCREASE/DECREASE</b> monthly payment from <u>\$2,951.54</u> per month to <u>\$2,625.00</u> per month
X	Extend/ <del>Shorten</del> months from <u>60</u> months to <u>84</u> months
	Add balloon payment of \$_____ in _____ month (indicate how the balloon payment will be made)
X	Cure Arrears of <u>\$12,756.16</u> through <u>09/2021</u> (month & year that case will be brought current through)

**III.****RESUMPTION OF PAYMENTS TO THE TRUSTEE**

(all information below must be complete)

Payments to the Trustee in the amount of \$2,625.00 will resume on or before October 1, 2021 (date payment starts) for 32 months remaining in the Modified Plan.

Base amount remains the same in the amount of \$\_\_\_\_\_. (Only use if not making any changes to debtor payments)

Base amount will change from \$147,916.04 to \$192,596.02.

**If the base amount has changed complete the following:**

<b>Total Paid in as of the last month:</b>	<b>\$108,596.02</b>
<b>(+) Any payments made between this month &amp; the month payments resume above (if any):</b>	<b>\$0.00</b>
<b>(+) Plus Total Payments to be made through the Remainder of the plan (payment above multiplied by remaining months):</b>	<b>\$84,000.00</b>
<b>(=) New Base Amount</b>	<b>\$192,596.02</b>

**IV.****TREATMENT OF UNSECURED CREDITORS**

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2021-05. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

(Check 1 of the following 2 choices)

<input checked="" type="checkbox"/>	The unsecured creditor pool remains \$0.00_____
<input type="checkbox"/>	The unsecured creditor pool changes from \$_____ to \$_____

(Check 1 of the following 2 choices)

<input type="checkbox"/>	The projected payout to general unsecured creditors remains _____%
<input checked="" type="checkbox"/>	The projected payout to general unsecured creditors changes from <u>3</u> % to <u>2</u> %

**V.****SECURED, PRIORITY OR SPECIAL CLASS TREATMENT**

**ADD/SURRENDER/CHANGE** the following Secured, Priority or Special Class Unsecured Creditor(s):

**CODES: A = ADD; S = SURRENDER; CT =CHANGE TO**

Code	Name	Class	Amount	Collateral / Consideration	Value	Interest Rate	Monthly Pmt. Surrender Direct
CT	Rushmore Loan Mgt. Services, LLC	Secured	\$214,308.54	Homestead – 1 <sup>st</sup> Lien (Contractual Payment)	\$250,000.00	N/A	\$1,704.71
CT	Rushmore Loan Mgt. Services, LLC	Secured	\$20,064.96	Pre-Petition Mortgage Arrears	\$250,000.00	N/A	\$640 beginning with the April, 2024 disbursement (month 83 of plan)
CT	Rushmore Loan Mgt. Services, LLC	Secured	\$650.00	Post-Petition Mortgage Fees per notice filed on 12/1/2017	\$250,000.00	N/A	\$72.32 beginning with the March, 2024 disbursement (month 82 of plan)
A	Sam C. Gregory, PLLC	Priority	\$650.00	Attorney Fees and Costs for this Motion	N/A	N/A	Direct

**or**

\_\_\_\_\_ Check here if no changes are to be made to creditors

**Note: Changes to any creditors above shall not be effective until the Modification is Approved.**

**VI.****ATTORNEY'S FEES**

Debtor's(s') attorney shall be allowed an additional fee for this Modification in the total amount of \$650.00 of which \$0.00 will be paid through the Plan by the Trustee.

**VII.**

**REASON FOR MODIFICATION**

Mr. Brawley's employer reassigned him to a different position earlier this year which resulted in a decrease in pay. Then, in May, 2021 one of his children was diagnosed with COVID-19. The child diagnosed with COVID-19 required full-time care which further reduced Mr. Brawley's household income. These two events led directly to the delinquency being addressed by this modification. Mr. Brawley's child has recovered and recently returned to school. Additionally, Mr. Brawley has now returned to his previous position which will allow him to bring home more income. As a result, Mr. Brawley believes he is now in a position to move forward with his plan. He is unable to cure the plan delinquency without modifying the plan as proposed herein.

**VIII.**

**BUDGET INFORMATION**

Debtor(s) will be filing an updated budget (Schedules I & J) with the Court.

**IX.**

**NONSTANDARD PROVISIONS**

**The following nonstandard provisions, if any, constitute terms of this *Plan*.**

**Any nonstandard provision placed elsewhere in the *Plan* is void.**

None

**I, the undersigned, hereby certify that the Plan Modification contains no nonstandard provisions other than those set out in this final paragraph.**

Respectfully submitted,

Sam C. Gregory, PLLC  
2742 82<sup>nd</sup> Street  
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By: /s/ Sam Gregory  
SAM GREGORY  
SBN 00792547

Attorney for Debtor(s)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a true and correct copy of the above "Modification of Plan after Confirmation, Notice of Hearing and Notice of Trustee's Pre-Hearing Conference" was served on this 24th day of August, 2021, on all parties on the attached matrix, by depositing same in the United States Mail with proper postage affixed.

/s/ Sam Gregory  
SAM GREGORY

Debtor(s): Christopher Lynn Brawley

Case No: 17-50115

Chapter: 13

NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

Ally Financial  
xxxxxxxx9331  
P.O. Box 130424  
Roseville, MN 55113-0004

Midland Credit Management  
xxxx-xxxx-xxxx-1224  
P.O. Box 2011  
Warren, MI 48090

Tea Olive, LLC  
x3493  
P.O. Box 1931  
Burlingame, CA 94011-1931

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Office of the U.S. Attorney  
Attorney-In-Charge  
1205 Texas  
Lubbock, Texas 79401

Verizon by American InfoSource :  
0001  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118

City Bank  
xxx2982  
P.O. Box 5060  
Lubbock, TX 79408-5060

OneMain Financial  
5517  
P.O. Box 3251  
Evansville, IN 47731-3251

Credit One  
xxxx-xxxx-xxxx-6874  
c/o Resurgent Capital / LVNV  
P.O. Box 10587  
Greenville, SC 29603-0587

Portfolio Recovery  
1153  
P.O. Box 41067  
Norfolk, VA 23541

DirecTV  
xxx0709  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118

PRA Receivables Mgt., LLC  
P.O. Box 41021  
Norfolk, VA 23541

Gaines Co. Appraisal Dist.  
c/o Laura J. Monroe  
Perdue, Brandon, Fielder, et. a  
P.O. Box 817  
Lubbock, TX 79408

RAS Crane, LLC  
Bankruptcy Department  
10700 Abbotts Bridge Rd., Ste.  
Duluth, GA 30097

IRS (Internal Revenue Service)  
Special Procedures - Insolvency  
P.O. Box 7346  
Philadelphia, PA 19101-7346

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Jefferson Capital Systems, LLC  
xxxxxx0284  
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Saint Cloud, MN 56302-9617

Rushmore Loan Management  
xxxxxx4262  
P.O. Box 55004  
Irvine, CA 92619-2708

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